

**CITY OF DURHAM**

DEPARTMENT OF PUBLIC WORKS
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April 1, 2009

Stormwater Services Procedure for Conservation Easement Donation**Background:**

In conformance with City of Durham Stormwater Development Performance Standards Section 70-737, the City of Durham may accept a recorded permanent conservation easement on property for a non-contiguous donor parcel. Non contiguous donor parcels being considered should be submitted for review **as early as possible** in accordance with Step 1.as outlined below. This step should be completed prior to site plan review.

In accepting these easements, the City of Durham is taking on a perpetual monitoring and management responsibilities for the easement. Therefore, non contiguous land bank donor parcel easements will only be accepted where the proposed easement is located on property for which the City would have an ongoing perpetual interest in managing the property's water quality benefits.

Note that nutrient offset payments cannot be used in combination with non-contiguous land bank parcels within the Neuse Basin.

The following outlines steps for using a non-contiguous donor parcel.

Step 1. Conservation Easement Pre-submittal Meeting:

- A. Determine approximate size of conservation easement required. Please refer to Stormwater Performance Standards for Development Section 70-737. Note that this will require preliminary nitrogen loading calculation sheets to be completed for the project. A complete review with the site plan will be done after the project has been submitted for site plan review. Note that changes can occur to the calculations due to project changes and review comments at site plan and construction review; please keep this in mind when performing preliminary calculations. Be cautious of looking at a parcel that just barely meets the needs of the project since it may not meet them if changes to the site or construction plan occur during the review process.

- B. Locate Parcel. Bring in information concerning who will be accepting the permanent conservation easement.
- C. Email Conservation Easement Donation Submittal Checklist and attachments to Rhonda.Spivey@durhamnc.gov to schedule a Pre-submittal Meeting.
- D. Bring the following to the meeting:
 - a. An Aerial Photo in an appropriate scale showing the conservation easement and the approximate location and size of conservation easement indicated. Bring any additional maps or information on the parcel that will assist in the evaluation.
 - b. Calculations for size of conservation easement required. Bring all calculations completed in Item A. for determining the size of the conservation easement.
 - c. Provide a list of Factors from Review Criteria Policy for Acceptance of Conservation Easements for Non-Contiguous Land Bank that qualifies areas for consideration for a conservation easement. Please quantify any factors, if possible.
 - d. Conservation Easement Donation Submittal Checklist form with the Pre-Submittal Portion filled out.

Step 2. Submittal with Site Plan:

- A. Conservation Easement Donation Submittal Checklist form with the Site Plan Submittal Portion filled out and any attachments. Include a copy of the completed Pre-Submittal portion from the above meeting.
- B. Copy of draft proposed conservation easement document and draft plat for review.
- C. All calculations for Nitrogen Loading and size of conservation easement to be reviewed.
- D. Final Evaluation of Factors for the conservation easement.

Step 3. Final Recorded Permanent Conservation Easement

- A. Prior to approval of the site plan, the final recorded permanent conservation easement and agreement must be submitted to Stormwater Services.

Reference Documents:

- *Stormwater Performance Standards for Development Ordinance, Effective March 17, 2009*
- *Review Criteria Policy for Acceptance of Conservation Easements for Non-Contiguous Land Bank*
- *Conservation Easement Donation Submittal Checklist form*